

**REMARKS**

Claims 1-44 are pending in the present application. By this Response, claims 1, 3, 6, 7, 10, 11, 17, 18, 20, 23, 24, 27, 28 and 35 are amended and claims 37-44 are added. Claims 1, 17, 28 and 35 are amended to recite "classifying each of a plurality of application processes operating on the data processing system into one of a plurality of application process classifications, wherein each application process classification is defined by a classification rule using at least one of attributes identifying a user that submitted one or more of the application processes, a group that submitted one or more of the application processes and a fully qualified path of one or more of the application processes; and for each application process classification, performing the following steps: determining a time period in which to measure the resource utilization information; monitoring the resource utilization information based on the time period; and displaying a result of the monitoring of the resource utilization information, wherein the result of the monitoring of the resource utilization information is dynamically displayed so as to provide an indication of utilization of a resource within the plurality of resources relative to a reference resource entitlement level." Support for these amendments may be found at least on page 16, lines 10-18 of the current specification. Claims 3, 6, 7, 10, 11, 20, 23, 24, 27 and 28 are amended to correct minor informalities. Support for the additional claims may be found at least on page 16, line 10 to page 17, line 4 and page 11, line 8 to page 12, line 12 of the current specification. Reconsideration of the claims in view of the above amendments and the following remarks is respectfully requested.

**I. 35 U.S.C. § 103, Alleged Obviousness, Claims 1-6, 14-23, 31, 34 and 35**

The Office Action rejects claims 1-6, 14-23, 31, 34 and 35 under 35 U.S.C. § 103(a) as being allegedly unpatentable over Bhatt et al. (U.S. Patent No. 6,097,399) and further in view of Fisher et al. (U.S. Patent No. 5,440,478). This rejection is respectfully traversed.

As to claims 1, 17, 18 and 35, the Office Action states:

As per claim 1, Bhatt et al., hereinafter Bhatt, discloses a method for displaying resource utilization information for a plurality of resources, comprising the steps of:

classifying processes into one of a plurality of process classifications (Figure 5A P1, P2 and P3; "The aggregated data sent to the display via the control signals will be arranged on a display 6 in one or more display elements 8", column 6, line 23-25, where the display elements are process classifications); and

for each process classification, performing the following steps:  
determining a time period in which to measure the resource utilization information (the aggregation interval, A<sub>1</sub>, column 7, line 35);

monitoring the resource utilization information based on the time period ("The aggregation may combine data by techniques such as averaging, min/max, critical threshold", column 2, line 40-41); and

displaying a result of the monitoring of the resource utilization information, wherein the result of the monitoring of the resource utilization information is dynamically displayed so as to provide an indication of utilization of a resource within the plurality of resources relative to a resource reference level (Figure 5B where P1, P2 and P3 are graphs indicating amount of utilization of processors, since the data is periodically updated, the utilization is dynamically updated).

Bhatt discloses a method for displaying resource utilization information for a plurality of resources. It is noted that Bhatt does not explicitly disclose the process is an application process "wherein the application process classifications are comprised of at least one of attributes identifying the user that submitted the process, the group from which the process was submitted and the fully qualified path of the application which the process is executing", however, this is known in the art as taught by Fisher et al., hereinafter Fisher. Fisher discloses a process control method in which application processes are classified into one of a plurality of process classifications (Figure 2 or 3 where the company name and identification of the report are the user and the company is the user that submitted the process; "We also prefer to sort the collected data across some or all of the characteristic fields which appear in boxes 45 and 48 thru 54. The sorted data could then be presented in tables, graphs or other types of reports", column 7, line 18-21 wherein the characteristic fields are the classification process).

Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Fisher into Bhatt because Bhatt discloses a method for displaying resource utilization information for a plurality of resources and Fisher discloses that the user can be identified and the associated data classified in order to provide for more meaningful process analysis.

Office Action dated September 21, 2004, pages 3-4.

Claim 1, which is representative of the other rejected independent claims 17, 18 and 35 with regard to similarly recited subject matter, reads as follows:

1. A method for displaying resource utilization information for a plurality of resources in a data processing system, comprising the steps of:  
classifying each of a plurality of application processes operating on the data processing system into one of a plurality of application process classifications, wherein each application process classification is defined by a classification rule using at least one of attributes identifying a user that submitted one or more of the application processes, a group that submitted one or more of the application processes and a fully qualified path of one or more of the application processes; and  
for each application process classification, performing the following steps:  
determining a time period in which to measure the resource utilization information;  
monitoring the resource utilization information based on the time period; and  
displaying a result of the monitoring of the resource utilization information, wherein the result of the monitoring of the resource utilization information is dynamically displayed so as to provide an indication of utilization of a resource within the plurality of resources relative to a reference resource entitlement level.

Bhatt and Fisher, taken alone or in combination, fail to teach or suggest classifying each of a plurality of application processes operating on the data processing system into one of a plurality of application process classifications, wherein each application process classification is defined by a classification rule using at least one of attributes identifying a user that submitted one or more of the application processes, a group that submitted one or more of the application processes and a fully qualified path of one or more of the application processes.

Bhatt is directed to a method for visualizing time-varying data from one or more data streams at a different interval than the interval between acquisition of the individual data item in the data stream. Data received is combined, or aggregated, between updates of a display to retain some information from each element. The aggregated data is then displayed at the next update of the display in a number of display elements. The characteristics of the display elements, and the organization of the elements represent changes in the data streams.

The Office Action alleges that Bhatt teaches classifying processes into one of a plurality of process classifications. However, Applicants are claiming classifying each of a plurality of application processes operating on the data processing system into one of a plurality of application process classifications, which Bhatt does not teach or suggest.

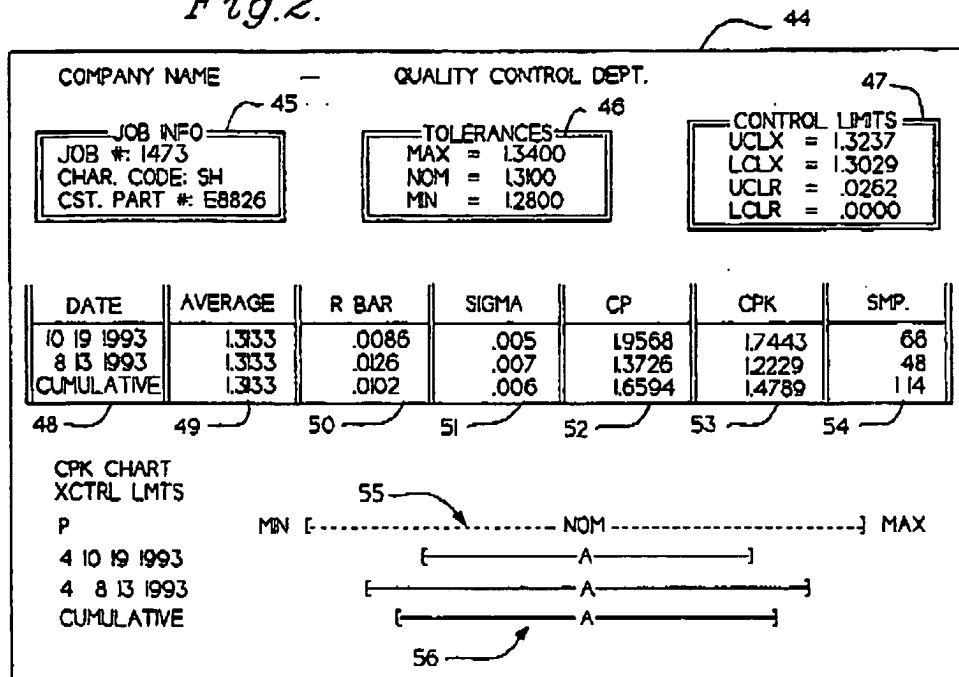
Discussed at length in the responses filed February 4, 2004 and June 7, 2004, are the elements of Bhatt to which the Office Actions refer as teaching classifying processes into one of a plurality of process classifications. Those elements are elements P1, P2 and P3 of Figure 5A and are described by Bhatt at column 10, lines 20-30, which reads as follows:

FIG. 5a shows one possible display for implementing the applicant's system. On the graphs, three display elements P1, P2, and P3 are shown with their respective labels below each bar. Each display element represents the percentage of time spent in various activities for a different processor in system 1 which is being monitored. Thus for example, the darker portion of each bar may represent time spent in application execution, and the lighter portions of each bar, time spent on communication overhead. The remaining part of each bar could then represent time the processor spends idle.

In this section, Bhatt describes that elements P1, P2 and P3 represent the percentage of time spent in various activities for a different processor in system 1 which is being monitored. Thus, element P1 is Processor 1, element P2 is Processor 2 and element P3 is Processor 3. Bhatt further describes that each element represents time spent in application execution, communication overhead and idle time. Bhatt does not teach classifying each of a plurality of application processes operating on the data processing system into one of a plurality of application process classifications, as in the Bhatt reference there is only one representation of application execution.

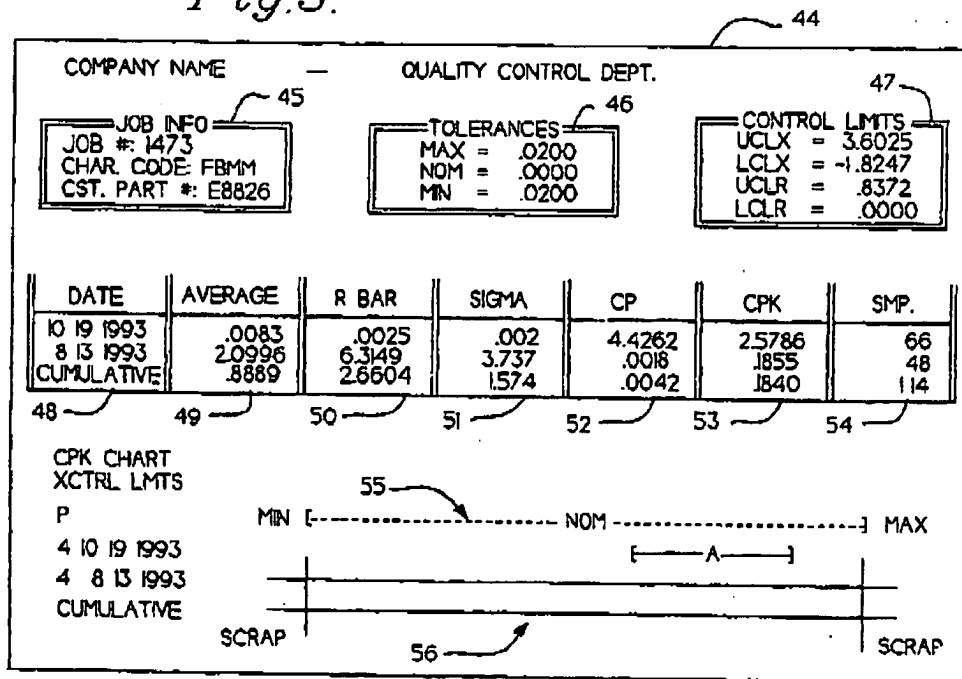
Thus, the present Office Action acknowledges that Bhatt does not explicitly disclose the process is an application process. However, the present Office Action alleges that Fisher teaches a process control method in which application processes are classified into one of a plurality of process classifications at Figures 2 and 3, elements 45 and 48-54 and column 7, line 18-21 which are shown as follows:

Fig.2.



(Figure 2)

Fig.3.



(Figure 3)

We also prefer to sort the collected data across some or all of the characteristic fields which appear in boxes 45 and 48 thru 54. The sorted data could then be presented in tables, graphs or other types of reports.

(Column 7, lines 18-21)

Fisher is directed to a system for controlling manufacturing process statistical process control data or other statistical indicators of performance from the production process and specification data which are displayed in both tables and bar-type graphs. The graphic display enables the production manager to easily see both out of specification activity and trends so that he can adjust the manufacturing process accordingly before the production run is completed.

Elements 45 and 48-54 are described by Fisher at column 5, line 31 to column 6, line 2, which reads as follows:

Turning to FIGS. 2 and 3, our report preferably provides the company name and identification of the report as being generated by the quality control department at the top of the page. There is a box 45 containing job information. It preferably includes the job number. The report could also identify the production crew or equipment used to produce the product. We have been able to monitor die wear by tracking the dies, by die number, used in the press or other equipment used form the particular part. The second line identifies the particular characteristic of the part which is being displayed in this report and also contains an identification of a particular part by customer part number. All of these lines could contain both alpha and numeric information. The job information could be expanded to include customer name, customer codes or other pertinent information. Box 46 reports the nominal value and maximum and minimum acceptable values for the particular characteristic under the heading "Tolerances". Box 47 reports the upper and lower control limits. On the next portion of the graph there is a box for the dates of the particular production runs or sample sets and cumulative totals for the subsequent data provided in adjacent boxes. Although there are only two dates listed in box 48, we are able to display any number of dates and a cumulative line in these boxes. We prefer to display up to 12 dates and a cumulative line 56. Twelve lines of data can be shown both in tables and graphically in the lower portion of the chart and fit on one graph and table and be printed on one 8 1/2.times.10 page. Six lines of data and a cumulative line can be printed in tubular or graphic form on a single sheet. Box 49 reports the average of the values for the particular days and a cumulative value. The next box 50 reports the R bar values obtained from the statistical program followed by sigma in box 51, CP in box 52 and CPK in box 53. We prefer that the right most box 54 list the number of

samples which were used to generate the data for that particular line. The tables may also include other characteristic fields.

This section of Fisher clearly describes that element 45 represents a job information that preferably includes a job number. The job referred to is the production or manufacturing of a product by a company. Element 45 presents all the statistical data related to the production of the product or products for the particular job shown. Elements 48-54 represent the date and statistical information pertaining to the production of the product for the particular job shown in element 45. There is nothing in this section, or any other section of Fisher, that teaches or suggests application processes or classifying each of a plurality of application processes operating on the data processing system into one of a plurality of application process classifications. Fisher merely teaches providing statistical information related to the production of product or products as related to a particular job of the company. Therefore, Bhatt and Fisher, taken alone or in combination fail to teach or suggest classifying application processes into one of a plurality of application process classifications.

Additionally, Bhatt and Fisher, taken alone or in combination, fail to teach or suggest where each application process classification is defined by a classification rule using at least one of attributes identifying a user that submitted one or more of the application processes, a group that submitted one or more of the application processes and a fully qualified path of one or more of the application processes. Bhatt merely groups all of the application execution into one portion of the display element, thus, there would be no need to classify the application processes based on attributes identifying a user that submitted one or more of the application processes, a group that submitted one or more of the application processes and a fully qualified path of one or more of the application processes. Fisher does not classify application processes but, rather, provides statistical information relating to the product or products manufactured by a company as related to a particular job. The job run by the company is not an application process and elements 45 and 48-54 do not represent at least one of attributes identifying the user that submitted the process, the group from which the process was submitted and the fully qualified path of the application which the process is executing.

Furthermore, with the present Office Action acknowledges that Bhatt does not explicitly disclose the process is an application process, and, as discussed above, Fisher does not teach or suggest application process or application process classifications. Applicants respectfully submit that Bhatt and Fisher, taken alone or in combination, fail to teach or suggest for each application process classification, performing the following steps: determining a time period in which to measure the resource utilization information; monitoring the resource utilization information based on the time period; and displaying a result of the monitoring of the resource utilization information, wherein the result of the monitoring of the resource utilization information is dynamically displayed so as to provide an indication of utilization of a resource within the plurality of resources relative to a reference resource entitlement level.

Furthermore, there is not so much as a suggestion in either reference to modify the references to include such features. That is, there is no teaching or suggestion in Bhatt or Fisher that a problem exists for which classifying each of a plurality of application processes operating on the data processing system into one of a plurality of application process classifications, wherein each application process classification is defined by a classification rule using at least one of attributes identifying a user that submitted one or more of the application processes, a group that submitted one or more of the application processes and a fully qualified path of one or more of the application processes, is a solution. To the contrary, Bhatt does not teach application processes and Fisher teaches providing statistical information relating to the product or products manufactured by a company as related to a particular job. Neither reference even recognizes a need to classify application processes into one of a plurality of application process classifications, as recited in claim 1.

Moreover, neither reference teaches or suggests the desirability of incorporating the subject matter of the other reference. That is, there is no motivation offered in either reference for the alleged combination. The Office Action alleges that the motivation for the combination is because "Bhatt discloses a method for displaying resource utilization information for a plurality of resources and Fisher discloses that the user can be identified and the associated data classified in order to provide for more meaningful process analysis." As discussed above, Bhatt merely displays the percentage of time spent in



various activities for a different processor in system 1 which is being monitored and that element represents time spent in application execution, communication overhead and idle time and as admitted by the present Office Action this does not represent application processes. Fisher merely describes providing statistical information relating to the product or products manufactured by a company as related to a particular job. Neither reference classifies each of a plurality of application processes operating on the data processing system into one of a plurality of application process classifications. Thus, the only teaching or suggestion to even attempt the alleged combination is based on a prior knowledge of Applicants' claimed invention thereby constituting impermissible hindsight reconstruction using Applicants' own disclosure as a guide.

One of ordinary skill in the art, being presented only with Bhatt and Fisher, and without having a prior knowledge of Applicants' claimed invention, would not have found it obvious to combine and modify Bhatt and Fisher to arrive at Applicants' claimed invention. To the contrary, even if one were somehow motivated to combine Bhatt and Fisher, and it were somehow possible to combine the two systems, the result would not be the invention, as recited in claim 1. The result would be simply displaying the percentage of time spent in various activities for a different processor in a system which is being monitored and that element represents time spent in application execution, communication overhead and idle time and provide statistical information relating to the product or products manufactured by a company as related to a particular job. The resulting system still would not classify each of a plurality of application processes operating on the data processing system into one of a plurality of application process classifications, wherein each application process classification is defined by a classification rule using at least one of attributes identifying a user that submitted one or more of the application processes, a group that submitted one or more of the application processes and a fully qualified path of one or more of the application processes.

Thus, Bhatt and Fisher, taken alone or in combination, fail to teach or suggest all of the features in independent claims 1, 17, 18 and 35. At least by virtue of their dependency on claims 1 and 18, the specific features of claims 2-6, 14-16, 19-23, 31 and 34 are not taught or suggested by Bhatt and Fisher, either alone or in combination.

Accordingly, Applicants respectfully requests withdrawal of the rejection of claims 1-6, 14-23, 31, 34 and 35 under 35 U.S.C. § 103(a).

## **II. 35 U.S.C. § 103, Alleged Obviousness, Claims 7-9 and 24-26**

The Office Action rejects claims 7-9 and 24-26 under 35 U.S.C. § 103(a) as being unpatentable over Bhatt et al. (U.S. Patent No. 6,097,399) and Fisher et al. (U.S. Patent No. 5,440,478) as applied to claim 1 above, and further in view of Rassman et al. (U.S. Patent No. 4,937,743). This rejection is respectfully traversed.

Claims 7-9 and 24-26 are dependent on claims 1 and 18, respectively, and thus, are distinguished over the combination of Bhatt and Fisher for at least the reasons noted above with regard to claims 1 and 18. Moreover, Rassman does not provide for the deficiencies of Bhatt and Fisher and, thus, any alleged combination of Bhatt, Fisher and Rassman would not be sufficient to reject independent claims 1 and 18 or claims 7-9 and 24-26 by virtue of their dependency. That is, Bhatt, Fisher and Rassman, taken alone or in combination, fail to teach or suggest classifying processes into one of a plurality of process classifications, as recited in claims 1 and 18, from which claims 7-9 and 24-26 depend. Furthermore, there is no suggestion in Bhatt, Fisher or Rassman as to the desirability to include classifying processes into one of a plurality of process classifications.

In view of the above, Applicants respectfully submit that Bhatt, Fisher and Rassman, taken alone or in combination, fail to teach or suggest the features of claims 7-9 and 24-26. Therefore, claims 7-9 and 24-26 are not rendered obvious by the proposed combination of Bhatt, Fisher and Rassman. Accordingly, Applicants respectfully request withdrawal of the rejection of claims 7-9 and 24-26 under 35 U.S.C. § 103(a).

## **III. 35 U.S.C. § 103, Alleged Obviousness, Claims 10-11 and 27-28**

The Office Action rejects claims 10-11 and 27-28 under 35 U.S.C. § 103(a) as being unpatentable over Bhatt et al. (U.S. Patent No. 6,097,399), Fisher et al. (U.S. Patent No. 5,440,478) and Rassman et al. (U.S. Patent No. 4,937,743) as applied to claim 7

above, and further in view of Rochford et al. (U.S. Patent No. 6,487,604 B1). This rejection is respectfully traversed.

Claims 10, 11, 27 and 28 are dependent on claims 1 and 18, respectively, and thus, is distinguished over the combination of Bhatt, Fisher and Rassman for at least the reasons noted above with regard to claims 1 and 18. Moreover, Rochford does not provide for the deficiencies of Bhatt, Fisher and Rassman and thus, any alleged combination of Bhatt, Fisher, Rassman and Rochford would not be sufficient to reject independent claims 1 and 18 or claims 10, 11, 27 and 28 by virtue of their dependency. That is, Bhatt, Fisher, Rassman and Rochford, taken alone or in combination, fail to teach or suggest classifying processes into one of a plurality of process classifications, as recited in claims 1 and 18, from which claims 10, 11, 27 and 28 depend. Furthermore, there is no suggestion in Bhatt, Fisher, Rassman or Rochford as to the desirability to include classifying processes into one of a plurality of process classifications.

In view of the above, Applicants respectfully submit that Bhatt, Fisher, Rassman and Rochford, taken alone or in combination, fail to teach or suggest the features of claims 10, 11, 27 and 28. Therefore, claims 10, 11, 27 and 28 are not rendered obvious by the proposed combination of Bhatt, Fisher, Rassman and Rochford. Accordingly, Applicants respectfully request withdrawal of the rejection of claims 10, 11, 27 and 28 under 35 U.S.C. § 103(a).

#### **IV. 35 U.S.C. § 103, Alleged Obviousness, Claims 12-13, 29-30 and 36**

The Office Action rejects claims 12-13, 29-30 and 36 under 35 U.S.C. § 103(a) as being unpatentable over Bhatt et al. (U.S. Patent No. 6,097,399) and Fisher et al. (U.S. Patent No. 5,440,478) as applied to claim 1 above, and further in view of Haggard et al. (U.S. Patent No. 6,148,335). This rejection is respectfully traversed.

Claims 12, 13, 29, 30 and 36 are dependent on claims 1, 18 and 35, respectively, and thus, are distinguished over the combination of Bhatt and Fisher for at least the reasons noted above with regard to claims 1, 18 and 35. Moreover, Haggard does not provide for the deficiencies of Bhatt and Fisher and thus, any alleged combination of Bhatt, Fisher and Haggard would not be sufficient to reject independent claims 1, 18 and

35 or claims 12, 13, 29, 30 and 36 by virtue of their dependency. That is, Bhatt, Fisher and Haggard, taken alone or in combination, fail to teach or suggest classifying processes into one of a plurality of process classifications, as recited in claims 1, 18 and 35, from which claims 12, 13, 29, 30 and 36 depend. Furthermore, there is no suggestion in Bhatt, Fisher or Haggard as to the desirability to include classifying processes into one of a plurality of process classifications.

In view of the above, Applicants respectfully submit that Bhatt, Fisher and Haggard, taken alone or in combination, fail to teach or suggest the features of claims 12, 13, 29, 30 and 36. Therefore, claims 12, 13, 29, 30 and 36 are not rendered obvious by the proposed combination of Bhatt, Fisher and Haggard. Accordingly, Applicants respectfully request withdrawal of the rejection of claims 12, 13, 29, 30 and 36 under 35 U.S.C. § 103(a).

**V. 35 U.S.C. § 103. Alleged Obviousness, Claims 15-16 and 32-33**

The Office Action rejects claims 15-16 and 32-33 under 35 U.S.C. § 103(a) as being unpatentable over Bhatt et al. (U.S. Patent No. 6,097,399) and Fisher et al. (U.S. Patent No. 5,440,478) as applied to claim 14 above. This rejection is respectfully traversed.

Claims 15 and 16 have been addressed above as they are rejected under the same set of references and included in the primary rejection. As claims 32 and 33 are similar to claims 15 and 16, Applicants respectfully submit that their rejection has also been clearly addressed above. Nonetheless, claims 15, 16, 32 and 33 are dependent on claims 1 and 18, respectively, and thus, is distinguished over Bhatt and Fisher for at least the reasons noted above with regard to claims 1 and 18. Moreover, since Bhatt and Fisher do not teach or suggest all of the features of claims 1 and 18 it would not be sufficient to reject independent claims 1 and 18 or claims 15, 16, 32 and 33 by virtue of their dependency. That is Bhatt and Fisher, taken alone or in combination, do not teach or suggest classifying processes into one of a plurality of process classifications, as recited in claims 1 and 18, from which claims 15, 16, 32 and 33 depend. Furthermore, there is

no suggestion in Bhatt or Fisher as to the desirability to include classifying processes into one of a plurality of process classifications.

In view of the above, Applicants respectfully submit that Bhatt and Fisher, taken alone or in combination, do not teach or suggest the features of claims 15, 16, 32 and 33. Therefore, claims 15, 16, 32 and 33 are not rendered obvious by the proposed combination of Bhatt and Fisher. Accordingly, Applicants respectfully request withdrawal of the rejection of claims 15, 16, 32 and 33 under 35 U.S.C. § 103(a).

#### VI. New Claims

Claims 37-44 have been added to the pending application. The features in these claims are supported in the specification at least on page 16, line 10 to page 17, line 4 and page 11, line 8 to page 12, line 12. Consequently, no new matter has been added.

Claim 37, which is representative of the other newly added dependent claims 41 and 44, reads as follows:

37. The method as recited in claim 1, further comprising:  
for each application process classification, assigning a respective share value for each application process classification of the plurality of application process classification, wherein the share value of a first application process classification receives more resource time than the share value of a second application process classification; and  
determining a percentage of resource time for each application process classification in response to the respective share value.

At least by virtue of their dependency on claims 1 and 18, Bhatt and Fisher, taken alone or in combination, do not teach or suggest the features of dependent claims 37, 41 and 44. As discussed above, Bhatt and Fisher, taken alone or in combination, do not teach or suggest classifying application processes into one of a plurality of application process classifications, thus, Bhatt and Fisher, taken alone or in combination, do not teach or suggest for each application process classification, assigning a respective share value for each application process classification of the plurality of application process classification, wherein the share value of a first application process classification receives more resource time than the share value of a second application process classification;

and determining a percentage of resource time for each application process classification in response to the respective share value.

Claim 38, which is representative of the other newly added dependent claim 42, reads as follows:

38. The method as recited in claim 1, wherein the classification rule identifies which attributes and values of those attributes that are to be included in a particular class.

At least by virtue of their dependency on claims 1 and 18, Bhatt and Fisher, taken alone or in combination, do not teach or suggest the features of dependent claims 38 and 42. As discussed above, Bhatt and Fisher, taken alone or in combination, do not teach or suggest where each application process classification is defined by a classification rule, thus, Bhatt and Fisher, taken alone or in combination, do not teach or suggest a classification rule that identifies which attributes and values of those attributes that are to be included in a particular class.

Claim 39, which is representative of the other newly added dependent claim 43, reads as follows:

39. The method as recited in claim 1, wherein the resource utilization information is information pertaining to allocation of resources consumed within the data processing system.

At least by virtue of their dependency on claims 1 and 18, Bhatt and Fisher, taken alone or in combination, do not teach or suggest the features of dependent claims 39 and 43. As discussed above, Bhatt and Fisher, taken alone or in combination, do not teach or suggest determining a time period in which to measure the resource utilization information; monitoring the resource utilization information based on the time period; and displaying a result of the monitoring of the resource utilization information, wherein the result of the monitoring of the resource utilization information is dynamically displayed so as to provide an indication of utilization of a resource within the plurality of resources relative to a reference resource entitlement level, thus, Bhatt and Fisher, taken alone or in combination, do not teach or suggest the resource utilization information is information pertaining to allocation of resources consumed within the data processing system.

Claim 40 is similar in subject matter to that of claim 34. At least by virtue of its dependency on claim 1, Bhatt and Fisher, taken alone or in combination, do not teach or suggest the feature of dependent claim 40. As discussed above, Bhatt and Fisher, taken alone or in combination, do not teach or suggest determining a time period in which to measure the resource utilization information; monitoring the resource utilization information based on the time period; and displaying a result of the monitoring of the resource utilization information, wherein the result of the monitoring of the resource utilization information is dynamically displayed so as to provide an indication of utilization of a resource within the plurality of resources relative to a reference resource entitlement level, thus, Bhatt and Fisher, taken alone or in combination, do not teach or suggest wherein the reference resource entitlement level is optional.

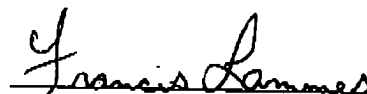
Thus, in view of the above, Applicants respectfully submit that Bhatt and Fisher, taken alone or in combination, do not teach or suggest the specific features of dependent claims 37-43. Accordingly, new claims 37-43 should be allowed.

## VII. Conclusion

It is respectfully urged that the subject application is patentable over the prior art of record and is now in condition for allowance. The Examiner is invited to call the undersigned at the below-listed telephone number if in the opinion of the Examiner such a telephone conference would expedite or aid the prosecution and examination of this application.

Respectfully submitted,

DATE: December 20, 2004



Francis Lammes  
Reg. No. 55,353  
Yee & Associates, P.C.  
P.O. Box 802333  
Dallas, TX 75380  
(972) 385-8777  
Agent for Applicants